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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 CHARLES COLEMAN, JR.,

Case No. 2:19-cv-02155-KJD-BNW

7 Plaintiff,

ORDER

8 v.

9 RIDE NOW, LLC,

10 Defendant.
11

12 Pro se plaintiff Charles Coleman, Jr. brings this lawsuit regarding a discrimination
13 dispute. Coleman moves to proceed *in forma pauperis*. (IFP Application (ECF No. 1).)
14 Coleman submitted the affidavit required by 28 U.S.C. § 1915(a) showing an inability to prepay
15 fees or costs or give security for them. Coleman's request to proceed *in forma pauperis* therefore
16 will be granted. The court now screens Coleman's complaint (ECF No. 1-1) as required by 28
17 U.S.C. § 1915(e)(2).

18 **I. ANALYSIS**

19 **A. Screening standard**

20 Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint
21 under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable
22 claims and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may
23 be granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.
24 § 1915(e)(2). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard
25 for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*,
26 668 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain
27 sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face."
28 *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints

1 and may only dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts
2 in support of his claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908
3 (9th Cir. 2014) (*quoting Iqbal*, 556 U.S. at 678).

4 In considering whether the complaint is sufficient to state a claim, all allegations of
5 material fact are taken as true and construed in the light most favorable to the plaintiff. *Wylar*
6 *Summit P’ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted).
7 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff
8 must provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S.
9 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.*
10 Unless it is clear the complaint’s deficiencies could not be cured through amendment, a pro se
11 plaintiff should be given leave to amend the complaint with notice regarding the complaint’s
12 deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

13 **B. Screening the complaint**

14 Plaintiff’s complaint consists of a complaint caption with the words “Discrimination, race,
15 retaliation, Civil Rights violation” underneath and an EEOC Right to Sue letter. (ECF No. 1-1.)
16 Plaintiff’s complaint contains no factual allegations. Even liberally construing Coleman’s
17 complaint, he does not state sufficient factual allegations about the underlying dispute and the
18 defendant’s role in the matter to state a claim.

19 If Plaintiff chooses to file an amended complaint, the document must be titled “Amended
20 Complaint.” The amended complaint must contain a short and plain statement of the grounds for
21 the court’s jurisdiction. *See* Fed. R. Civ. P. 8(a)(1). Additionally, the amended complaint must
22 contain a short and plain statement describing the underlying case and each defendant’s
23 involvement in the case. *See* Fed. R. Civ. P. 8(a)(2). Although the Federal Rules of Civil
24 Procedure adopt a flexible pleading standard, Coleman still must give each defendant fair notice
25 of his claims against it and of Coleman’s entitlement to relief.

26 Additionally, Coleman is advised that if he files an amended complaint, the original
27 complaint (ECF No. 1-1) no longer serves any function in this case. As such, the amended
28 complaint must be complete in and of itself without reference to prior pleadings or other

1 documents. The court cannot refer to a prior pleading or other documents to make Coleman's
2 amended complaint complete.

3 **II. CONCLUSION**

4 IT IS THEREFORE ORDERED that Coleman's application to proceed *in forma pauperis*
5 (ECF No. 1) is GRANTED. Plaintiff is permitted to maintain this action to conclusion without
6 prepaying fees or costs or giving security for them.

7 IT IS FURTHER ORDERED that the clerk of court must detach and separately file
8 Coleman's complaint (ECF No. 1-1).

9 IT FURTHER ORDERED that Coleman's complaint be dismissed without prejudice.

10 IT IS FURTHER ORDERED that if Coleman wishes to file an amended complaint, he
11 must do so by February 7, 2020.

12
13 DATED: January 8, 2020

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16 BREND A WEKSLER
17 UNITED STATES MAGISTRATE JUDGE
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